

**THE HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION No. 25038 of 2001**

Date: 23-06-2006

Between:

Ch.Sadanand

**..... PETITIONER**

AND

The Executive Officer,  
Cantonment Board, Secunderabad.

**....RESPONDENT**

**HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION No. 25038 of 2001**

**ORDER:**

The petitioner, who claims to be the owner and possessor of Plot No.13 forming part of Sy.No.51 part situated in the layout plan of Vanita Co-operative Housing Society, Bowenpally, Secunderabad Cantonment, filed this writ petition seeking a declaration that the alleged action of the respondent in converting the temporary drainage line into permanent one in violation of the sanctioned layout plan dated 31-12-1988 as arbitrary and illegal.

It is stated that he purchased the Plot in question under the registered sale deed dated 14-02-1986 from Vanita Co-operative Housing Society and that the lay out of the said Society was sanctioned by the respondent on 31-12-1988. It is stated that as per the said sanction plan, the drainage line should pass between Plot Nos.3 and 4, which is a road, however, the respondent made a temporary drainage line over the land of the petitioner promising to shift the same when a permanent drainage line is made as per the sanction plan. However, contrary to the said assurance, the respondent has been taking steps to make the drainage line in the petitioner's land. Hence, this writ petition with the above prayer.

Respondent filed a counter affidavit dated 20-02-2002 stating that one Jakkula Ram Reddy filed O.S.No.1469 of 2001 on the file of the Court of XI Junior Civil Judge, City Civil

Court, Secunderabad and also O.S.No.26 of 2002 on the file of the Court of III Additional Judge, City Civil Court, Secunderabad in respect of the very same survey Nos.50 and 51 part and obtained order of temporary injunction. The petitioner is the owner of Plot No.13 (revised plot No.11) in Sy.No.51 part forming part of the layout plan of Vanita Co-operative Housing Society. It is stated that the existing sewerage line does not pass through Plot No.11, but it is passing through a common line vested with the cantonment board. It is alleged that the petitioner has been trying to encroach into 8 feet open passage between 2 layouts and intending to prevent the respondent board from re-laying the sewerage line. The other averments in the affidavit made in support of the writ petition were also denied and it is stated that the respondent has been acting strictly in accordance with law.

Though the counter affidavit was served on the petitioner on 26-06-2002, the petitioner did not choose to file any reply affidavit nor any other material is placed before this Court contradicting the version of the respondent in the counter affidavit.

In the circumstances, the allegations made by the petitioner cannot be accepted. At any rate, as can be seen from the material on record, the matter involves several disputed questions of fact which cannot be gone into in this writ petition. Hence, a writ of mandamus as prayed for cannot be granted.

Accordingly, the writ petition is dismissed. However, this shall not preclude the petitioner to work out the common law remedy if he so chooses. No costs.

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**G.ROHINI,J**

Dated:23-06-2006  
KLP